

AGE DISCRIMINATION CLAIMS ASSISTANCE ACT OF 1988

[Public Law 100–283]

[As Amended Through P.L. 101–504, Enacted November 3, 1990]

【Currency: This publication is a compilation of the text of Public Law 100-283. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Age Discrimination Claims Assistance Act of 1988”.

【29 U.S.C. 626 note】

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Equal Employment Opportunity Commission (hereafter in this Act referred to as the “Commission”) has failed to process an undetermined number of charges filed under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621–634) before the running of the statute of limitations applicable to bringing civil actions in the Federal courts under such Act, and

(2) many persons who filed such charges with the Commission have lost the right to bring private civil actions with respect to the unlawful practices alleged in such charges.

【29 U.S.C. 626 note】

SEC. 3. EXTENSION OF STATUTE OF LIMITATIONS.

(a) EXTENSION.—Notwithstanding section 7(e) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(e)), a civil action may be brought under section 7 of such Act by the Commis-

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sion or an aggrieved person, during the applicable extension period¹ if—

(1)(A) with respect to the alleged unlawful practice on which the claim in such civil action is based, a charge was timely filed under such Act with the Commission after December 31, 1983,

(B) with respect to the alleged unlawful practice on which the claim in such civil action is based, a charge was timely filed under such Act with the Commission after April 6, 1985,

(2) the Commission did not, within the applicable period set forth in section 7(e) either—

(A) eliminate such alleged unlawful practice by informal methods of conciliation, conference, and persuasion, or

(B) notify such person, in writing, of the disposition of such charge and of the right of such person to bring a civil action on such claim,

(3)(A) with respect to a claim described in paragraph (1)(A) the statute of limitations applicable under such section 7(e) ran before the date of the enactment of this Act, or

(B) with respect to a claim described in paragraph (1)(B) the statute of limitations applicable under such section 7(e) runs after April 6, 1988, but before the expiration of the 180-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990.¹

(4) a civil action on such claim was not brought by the Commission or such person before the running of the statute of limitations.

(b) DEFINITION.—The term “extension period” means—

(1) with respect to a charge described in paragraph (1)(A), the 450-day period beginning on the date of the enactment of this Act, and

(2) with respect to a charge described in paragraph (1)(B), the 450-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, and²

【29 U.S.C. 626 note】

SEC. 4. NOTICE OF STATUTE OF LIMITATIONS.

(a) NOTICE REGARDING CLAIMS FOR WHICH STATUTE OF LIMITATIONS IS EXTENDED.—(1) Not later than 60 days after the date of enactment of this Act, the Commission shall provide the notice specified in subsection (b) to each person who has filed before April 7, 1985, a charge to which section 3 applies.

(2) Not later than 60 days after the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, the Commission shall provide the notice specified in subsection (b) to each person who filed after April 6, 1985, a charge to which section 3 applies and with respect to which the statute of limitation

¹ P.L. 101-504, sec. 2(a)(2), 104 Stat. 1298, amended sec. 3 by striking “540-day period beginning on the date of the enactment of this Act” and making an insertion. The amendment should not have included the word “the” before the word “enactment”.

² So in law. Probably should be “, and”. See P.L. 101-504, sec. 2(a)(4), 104 Stat. 1298.

³ So in law. See P.L. 101-504, sec. 2(a)(5), 104 Stat. 1298.

ran before the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990.

(3) Not later than 60 days after the expiration of the 180-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, the Commission shall provide the notice specified in subsection (b) to each person who filed after April 6, 1985, a charge to which section 3 applies and with respect to which the statute of limitations runs in such 180-day period.

(b) CONTENTS OF NOTICE.—The notice required to be provided under subsection (a) to a person shall be in writing and shall include the following information:

(1) The rights and benefits to which such person is entitled under the Age Discrimination in Employment Act of 1967.

(2) The date on which the statute of limitations applicable to such person's claim will run.

(3) That such person may bring a civil action on such claim before the date specified in paragraph (2).

[29 U.S.C. 626 note]

SEC. 5. REPORTS.

(a) CONTENTS OF REPORTS.—For each 180-day period in the 540-day period beginning on the date of enactment of this Act, and each 150-day period in the 450-day period beginning on the date of the enactment of the Age Discrimination Claims Assistance Amendments of 1990, the Commission shall submit a written report that includes all of the following information:

(1) The number of persons who have claims to which section 3 applies and the dates charges based on such claims were filed with the Commission.

(2) The number of persons to whom notice was provided in accordance with section 4(a) and the date the notice was provided.

(3) With respect to alleged unlawful practices on which claims affected by section 3 are based, the number of such alleged unlawful practices that the Commission has attempted to eliminate by informal methods of conciliation, conference, and persuasion in the 180-day period for which the report is submitted.

(4) The number of alleged unlawful practices referred to in paragraph (3) that were so eliminated in such period.

(5) The number of civil actions filed by the Commission on behalf of persons to whom notice was sent under section 4.

(b) SUBMISSION OF REPORTS.—Each report required by subsection (a) shall be submitted by the Commission to—

(1) the Committee on Education and Labor, and the Select Committee on Aging, of the House of Representatives, and

(2) the Committee on Labor and Human Resources, and the Special Committee on Aging, of the Senate,

not later than 30 days after the expiration of the 180-day period for which such report is required.

[29 U.S.C. 626 note]